

ORAL ARGUMENT NOT YET SCHEDULED

No. 14-5109

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRIAN DAVIS,

Appellant,

v.

UNITED STATES SENTENCING COMMISSION,

Appellee.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CONSENT MOTION TO EXTEND BRIEFING SCHEDULE

Appellant Brian Davis respectfully moves this Court to extend the briefing schedule in this case as set forth below. Counsel for Mr. Davis has conferred with counsel for appellee, the United States Sentencing Commission, who agrees to the following dates and consents to the filing of this motion. In support of this motion, Mr. Davis states:

1. Counsel for Mr. Davis seeks an extension of slightly less than three weeks to file the opening brief in this matter due to his travel schedule and case

load. Counsel will be travelling between November 21, 2014 and December 1, 2014. In addition, counsel has another *pro bono* appeal currently pending in the United States Court of Appeals for the Fourth Circuit. Counsel anticipates that he will be filing a reply brief in that appeal on or before November 10, 2014.

2. Subject to the Court's approval, counsel for Mr. Davis and counsel for the Sentencing Commission have agreed to the following dates for the filing of their respective briefs:

Appellant's Brief	December 12, 2014
Appendix	December 12, 2014
Appellee's Brief	January 16, 2014
Appellant's Reply Brief	January 30, 2014

WHEREFORE, appellant Brian Davis asks that this Court grant his motion to extend the briefing schedule in accordance with the dates set forth above.

Respectfully submitted,

Dated: October 20, 2014

/s/ Stephen A. Fogdall

Stephen A. Fogdall (Bar No. 54045)
Schnader Harrison Segal & Lewis LLP
1600 Market Street, Suite 3600
Philadelphia, PA 19103
(215) 751-2581 (phone)
(215) 751-2205 (fax)
sfogdall@schnader.com

Counsel for Appellant Brian Davis

ADDENDUM

Parties to this appeal

1. Appellant/Plaintiff in the District Court

The appellant, plaintiff in the District Court, is Brian Davis.

2. Appellee/Defendant in the District Court

The appellee, defendant in the District Court, is the United States Sentencing Commission.

3. Intervenor in the District Court

The District Court allowed Charles Edward McIntyre to intervene in the action below. Mr. McIntyre moved to join the Second Amended Complaint filed by Mr. Davis, but the District Court denied that motion as moot. To Mr. Davis's knowledge, Mr. McIntyre has not filed a notice of appeal to this Court from that ruling.

CERTIFICATE OF SERVICE

I, Stephen A. Fogdall, hereby certify that a copy of the foregoing Consent Motion to Extend Briefing Schedule has been served on Alan Burch, Esquire and R. Craig Lawrence, Esquire, counsel for appellee, the United States Commission, via the Court's Electronic Case Filing System, and via electronic mail, at the addresses below:

Alan Burch
alan.burch@usdoj.gov

R. Craig Lawrence
craig.lawrence@usdoj.gov

/s/ Stephen A. Fogdall
Stephen A. Fogdall

Dated: October 20, 2014